

1 THE HONORABLE MARSHA J. PECHMAN
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11 UNITED STATES DISTRICT COURT
12 WESTERN DISTRICT OF WASHINGTON
13 AT SEATTLE
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16 IN RE WASHINGTON MUTUAL, INC.
17 SECURITIES, DERIVATIVE & ERISA
18 LITIGATION
19
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21 CASE NO.: No. 2:08-md-1919 MJP
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24 **STIPULATION AND [PROPOSED]
25 ORDER EXTENDING TIME FOR
26 DEFENDANT KERRY KILLINGER TO
27 RESPOND TO PLAINTIFFS'
COMPLAINT**

28 This Document Relates to:
29 *Michael M. Angello, et al. v. Killinger, et al.*
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32 No. 11-cv-1336 MJP
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1 WHEREAS on or about March 10, 20011, plaintiffs Michael M. Angello and Robert J.
2 Angello (“plaintiffs”), commenced this action by filing a complaint in the Superior Court of the
3 State of California, County of San Diego;

4 WHEREAS on April 4, 2011, defendant Kerry Killinger (“defendant”) filed a Notice of
5 Removal in the United States District Court, Southern District of California, and shortly
6 thereafter filed a “tag-along” notice with the MDL Panel to seek a transfer of this action to the
7 Western District of Washington;

8 WHEREAS on April 15, 2011, plaintiffs filed a Motion to Remand this action to the
9 Superior Court, County of San Diego;

10 WHEREAS on April 20, 2011, Judge Anello, District Court Judge from the Southern
11 District of California, issued an Order granting defendant an extension to answer or otherwise
12 respond to plaintiffs’ complaint within thirty (30) days after the Court issued its order on
13 plaintiffs’ motion to remand;

14 WHEREAS on October 6, 2011, this Court denied plaintiffs’ motion to remand;

15 WHEREAS in accordance to Judge Angello’s April 20, 2011 Order, defendant’s current
16 deadline to respond to the Complaint is November 7, 2011;

17 WHEREAS defendant is anticipating filing a motion to dismiss in response to the
18 Complaint;

19 WHEREAS plaintiffs’ counsel is on an extended, pre-planned overseas vacation with
20 little or no access to email until the end of November 2011 and will not be able to review or
21 respond to any motion filed by defendant in response to the Complaint until after plaintiffs’
22 counsel has returned from his vacation,

23 WHEREAS in light of plaintiffs’ counsel’s extended vacation, plaintiffs believe that
24 plaintiffs may suffer prejudice if the defendants’ deadline to respond to the Complaint is not
25 extended; and

26 WHEREAS, the parties have conferred for the purpose of ensuring that this action
27 proceed in an efficient and orderly manner, and have agreed that it would be more efficient and

1 in the interests of all parties to extend defendant's deadline to respond until after plaintiffs'
2 counsel has returned from his vacation.

3 NOW, THEREFORE, the undersigned parties hereby stipulate and agree, by and through
4 their counsel of record and subject to the approval of the Court, that:

5 1. Defendant Killinger's time within which to answer or otherwise respond to
6 plaintiffs' complaint is extended thirty (30) days, from November 7, 2011 to December 7, 2011.

7 2. Defendant further agrees not to seek any additional extensions to respond to the
8 Complaint absent exceptional circumstances.

9
10 Respectfully submitted,

11 Dated: November 1, 2011

/s/ Michael M. Angello
Michael M. Angello (Cal. Bar. No. 75706)
Attorney for Michael M. Angello and
Robert J. Angello

14 Dated: November 1, 2011

/s/ Daniel W. Turbow
Jerome F. Birn, Jr., (*Pro Hac Vice*)
Daniel W. Turbow (*Pro Hac Vice*)
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27 Attorneys for Defendant
Kerry Killinger

[PROPOSED] ORDER

Based on the foregoing stipulation,

IT IS HEREBY ORDERED that defendant shall have up to and including December 7,

2011 to respond to plaintiffs' complaint.

Dated: _____

Hon. Marsha J. Pechman
United States District Court Judge

CERTIFICATE OF SERVICE

I hereby certify that on November 1, 2011, I caused the foregoing to be filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all known counsel of record, and caused it to be served by overnight mail, postage prepaid upon the following:

Michael M. Angello
Attorney at Law
3122 North Mountain View Drive
San Diego, CA 92116

Attorney for Plaintiffs

No address is currently available for Defendant John Ngo.

/s/ Daniel W. Turbow
Daniel W. Turbow (*Pro Hac Vice*)